

### **REMARKS**

Claims 1-17, 21, 31, 33, 50, 52, 54-60, 62-67, 73-74, 81, 87, 89-95, 97-102, 108-109, 116, 119-154, and 156-163 have been cancelled. Claims 18-20, 22-30, 32, 34-49, 51, 53, 60-61, 68-72, 75-80, 82-86, 88, 96, 103-107, 110-111, and 155 have been amended. Claims 112-115 and 118 remain unchanged. Accordingly, claims 18-20, 22-30, 32, 34-49, 51, 53, 60-61, 68-72, 75-80, 82-86, 88, 96, 103-107, 110-115, 118 and 155 are pending in the present application. No new matter has been added by the claim amendments.

### **Claim Objections**

Claims 38, 40-44, 46 and 49 have been objected to for lacking sequence identifiers. Claims 18-22 and 155 have been objected to for being dependent on a non-elected claim. Claim 24 has been rejected for typographical errors. Certain other claims have been objected to for improper multiple dependent claim format. These claims have been amended and accordingly, applicants request these objections be withdrawn.

### **Claim rejections under 35 U.S.C. §112, second paragraph**

Claims 18 and 19 have been rejected for indefiniteness as depending from claims 1 and 5, which recite a definition for "P" and "A." Applicants submit the present claim amendments have rendered this rejection moot and accordingly request withdrawal of this ground of rejection. Specifically the claim amendments clarify more particularly the recitation of "P" and "A" and in the claims.

Claims 23 and 24 were rejected for reciting "having the binding capabilities." Applicants submit the present claim amendments have rendered this rejection moot and accordingly request withdrawal of this ground of rejection. Specifically, the claim 23 has been amended to recite "capable of binding the same epitope" (claim 23). Claim 24 has been amended to remove this language.

Claim 25 was rejected for lacking antecedent basis. Claim 25 has been amended to correct this deficiency and accordingly applicants request withdrawal of this ground of rejection.

Claim 36 has been rejected as the Examiner has stated that “it cannot be determined if said claim requires that the two epitopes be different.” Claim 36 has been amended to recite “different epitopes” and accordingly applicants request withdrawal of this ground of rejection.

**Claim rejections under 35 U.S.C. §102(b) in view of Ward et al.**

Certain claims have been rejected under 35 U.S.C. §102(b) as being anticipated by Ward et al. The present claims have been amended to recite “human” antibodies. Ward et al. do not teach or suggest a human antibody, much less teach or suggest how one would make the claimed human antibody that is capable of reacting with the claimed epitopes of Formula I, II, or III. Rather Ward et al. only teach a mouse monoclonal antibody.

**Claim rejections under 35 U.S.C. §102(b) in view of Snapp et al.**

Certain claims have been rejected under 35 U.S.C. §102(b) as being anticipated by Snapp et al. The present claims have been amended to recite “human” antibody. Snapp et al. do not teach or suggest a human antibody, much less teach or suggest how one would make the claimed human antibody that is capable of reacting with the epitopes of Formula I, II, or III. The Examiner notes that Snapp et al. disclose “the monoclonal antibody KPL-1 which binds to amino acid residues 5-11 (YEYLDYD) of PSGL-1, wherein at least one tyrosine is sulfated.” However, this conclusion is retracted in a latter article (Thatte, et al., J. Leukoc. Biol. 72: 470-477; 2002), whose authors include Snapp. Thatte et al. conclude that the mouse monoclonal antibody KPL1 does not require sulfatation for binding to its target: “KPL1 recognition of PSGL-1 does not require tyrosine sulfation.” (See page 474, 2nd column), and further in the discussion: “This suggests that recognition of PSGL-1 by either of [PL1 and KPL1] is sulfation-independent.” (See page 475, 1<sup>st</sup> column). A copy of this article is included herewith. In contrast to the teachings of Thatte et al. (regarding KPL-1), the human antibodies of the present invention (and as claimed) require sulfation of the target epitope for binding.

**Claim rejections under 35 U.S.C. §102(b) in view of Suiko et al.**

Certain claims have been rejected under 35 U.S.C. §102(b) as being anticipated by Suiko et al. The present claims have been amended to recite

“human” antibody. Suiko et al. do not teach or suggest a human antibody, much less teach or suggest how one would make the claimed human antibody that is capable of reacting with the epitopes of Formula I, II, or III.

Accordingly, applicants respectfully submit that Ward et al., Snapp et al. and Suiko et al. do not teach nor suggest each and every claimed element, and accordingly request withdrawal of these ground of rejections.

**Provisional double patenting rejection over co-pending Application No: 10/029,988**

The Examiner has provisionally rejected claims 18, 19, 23-37, 30, 34-49 and 155 as unpatentable for obvious-type double patenting over claims 1-28 and 32-48 of co-pending Application No: 10/029,988. Applicants respectfully submit that since no claims have been allowed, this rejection is not timely and should be withdrawn. Once the co-pending application issues, if necessary at that time, a terminal disclaimer will be filed in the appropriate application.

**Provisional double patenting rejection over co-pending Application No: 10/029,926**

The Examiner has provisionally rejected claims 18, 19, 23-37, 30, 34-49 and 155 as unpatentable for obvious-type double patenting over claim 21 of co-pending Application No: 10/029,926. Applicants respectfully submit that since no claims have been allowed, this rejection is not timely and should be withdrawn. Once the co-pending application issues, if necessary at that time, a terminal disclaimer will be filed in the appropriate application.

**CONCLUSION**

Applicants respectfully request entry of these claim amendments and response for the above referenced application. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

The Office is authorized to charge any fees that may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

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4/19/05



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